



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

MEMORANDUM

DATE: November 17, 2005

TO: Judges
cc: Court Administrators
County Clerks
Probation Agents
Prosecutors

FROM: Nial Raaen, Director

RE: SCAO Administrative Memorandum 2005-08
Local Administrative Orders for Circuit Court Arraignment in District Court

New court rule MCR 6.111 expands the ability of district courts to take pleas in criminal cases cognizable in circuit court. This rule is scheduled to take effect January 1, 2006. However, current administrative orders authorizing courts to submit local administrative orders (LAOs) allowing district courts to accept felony pleas are rescinded effective January 1, 2006. As a result, any felony plea LAO currently in effect will be rescinded on that date as well.

If your court has a felony plea LAO in place and wants to continue allowing district courts to accept pleas for criminal cases after December 31, 2005, your court must submit a new joint LAO pursuant to MCR 6.111. The model LAO, in Word, WordPerfect, and Rich Text format, is available at: <http://courts.michigan.gov/scao/resources/other/lao.htm#gp>. **To prevent an interruption in this practice, courts should submit their new LAO as soon as possible to their Regional Administrator.**

Currently, Supreme Court Administrative Order 1992-5 allows jurisdictions with an LAO in place to authorize district courts to accept guilty and not guilty pleas. The new court rule will expand district court authority to accept pleas of not guilty, guilty, nolo contendere, guilty but mentally ill, or not guilty by reason of insanity. Courts that wish to implement this rule must submit an LAO signed by both the chief circuit court and chief district court judge.

Other requirements of MCR 6.111 include:

- The defendant, the defense attorney, and the prosecutor must consent on the record that the district court may conduct the circuit court arraignment and take the plea.
- The circuit court arraignment may be conducted immediately after the bindover of the defendant as long as the prosecutor has filed the information or, in the case of a plea bargain that adds or changes original charges, an amended information.
- Arraignments conducted by the district court shall conform to MCR 6.113.
- Pleas taken by the district court shall be taken in conformity with MCR 6.301, 6.302, 6.303, and 6.304, as applicable, and once taken shall be governed by MCR 6.310.
- Following a plea, the case shall be transferred to the circuit court, where the circuit judge shall preside over further proceedings, including sentencing.

If you have questions, contact Dawn Childress (517-373-3756 or childressd@courts.mi.gov) or Sandi Hartnell (517-373-0122 or hartnells@courts.mi.gov).